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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,703	10/13/2005	Motoo Sumida	47237-0528	5291
55694 7590 07/03/2008 DRINKER BIDDLE & REATH (DC) 1500 K STREET, N.W. SUITE 1100 WASHINGTON, DC 20005-1209				
EXAMINER LILLING, HERBERT J				
ART UNIT		PAPER NUMBER		
1657				
MAIL DATE		DELIVERY MODE		
07/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10527703	10/13/05	SUMIDA ET AL.	47237-0528

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

EXAMINER

HERBERT J. LILLING

ART UNIT	PAPER
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1657

20080701

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on May 02, 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s) pertaining to paragraph 5 for the election of species as submitted in the election requirements of 11-29-2007 and 11-01-2007:

Applicant had complied with B and C but the requirement of A has been found not to be in full compliance as noted below:

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic to all of the above inventions.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Applicant is required to elect one species from A. Whereby the product produced is

a. 20% of polyunsaturated fatty acids containing 20 or more carbons and two or more double bonds—please specify the generic structure.

- Ai arachidonic acid;
- Aii dihomogamma-linolenic acid
- Aiii mead acid
- b. omega 6 series PUFA:
 - bi. Specify the structure.
- c. omega 9 series PUFA;
 - ci. Please specify the structure.

Thus, an election of Aa [further one species which is : Ai or Aii or Aiii; or an election of Ab from omega 6 series PUFA—specify the structure; or an election of Ac from omega 9 series PUFA—specify the structure.

The requirement is that there is only one species from a, b or c and if a is elected further election of Ai or Aii or Aiii.

If Applicant has any problems, it is strongly advised to contact this Examiner for any assistance.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HERBERT J. LILLING whose telephone number is 571-272-0918. The examiner can normally be reached on WORK AT HOME MAXIFLEX. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JON WEBER can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 1657
July 01, 2008

Ser No 10/527,703

/HERBERT J LILLING/
Primary Examiner Art Unit 1657